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The Honorable Thomas O. Rice

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

TRAVIS JAY WISE, CHELSIE  
BYROADS, ANDILEE JORDAN,  
DANIEL BETZ, DAVID  
CHARBONNEAU, CHERYL  
BERNARD, DESIRAE KING, JERRY  
LEASE, JORDAN LOZARO,  
LAURECE RUST, MARY DRASS,  
NADIA FEDOROVA, TERRY DUNN,  
RITA WALDO, LEVI HINES,  
CHRISTOPHER MOORE, SHELLEY  
ENGLE, JACOB WOLFE, GRANT  
RODKEY, THOMAS FORSYTH, and  
TRAVIS YEAGER, on behalf of  
themselves and those similarly situated,

Plaintiffs,

vs.

GOVERNOR JAY INSLEE, IN HIS  
OFFICIAL CAPACITY; DONALD  
CLINTSMAN, IN HIS OFFICIAL  
CAPACITY AS THE SECRETARY

CASE NO. 2:21-cv-00288-TOR

DEFENDANT BRIAN  
SCHAEFFER'S ANSWER TO  
PLAINTIFFS' AMENDED  
COMPLAINT

1 OF DEPARTMENT OF SOCIAL AND  
2 HEALTH SERVICES; CHIEF BRIAN  
3 SCHAEFFER, IN HIS OFFICIAL  
4 CAPACITY AS THE CHIEF OF THE  
5 SPOKANE FIRE DEPARTMENT;  
6 CHIEF JOHN BATISTE, IN HIS  
7 OFFICIAL CAPACITY AS THE  
8 CHIEF OF THE WASHINGTON  
9 STATE PATROL; AND ROGER  
10 MILLAR, IN HIS OFFICIAL  
11 CAPACITY AS SECRETARY OF  
12 WASHINGTON STATE  
13 DEPARTMENT OF  
14 TRANSPORTATION,

Defendants.

13 Defendant Chief of the City of Spokane Fire Department Brian Schaeffer  
14 answers Plaintiffs' Amended Complaint (ECF No. 26) as follows:  
15

## 16 I. INTRODUCTION

17 1.1 Answering paragraph 1.1 of the Amended Complaint, Defendant is  
18 without sufficient information or belief to know the truth or falsity of the allegations  
19 regarding Plaintiffs who are and/or were not employed with the City of Spokane  
20 ("City") and therefore denies the same. With respect to Plaintiffs Travis Wise,  
21 Daniel Betz and Jerry Lease, Defendant denies the same.  
22  
23  
24  
25  
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1           1.2 Answering paragraph 1.2 of the Amended Complaint, Defendant is  
2 without sufficient information or belief to know the truth or falsity of the allegations,  
3 and therefore denies the same.  
4

## 5                                   **II. PARTIES AND JURISDICTION**

### 6           **A. Subject matter jurisdiction**

7           2.1 Answering paragraph 2.1 of the Amended Complaint, Defendant admits  
8 this lawsuit was brought pursuant to 28 U.S.C. 1331. By way of further response,  
9 Defendant denies there is supplemental jurisdiction pursuant to 28 U.S.C. 1367.  
10 Except as so answered, Defendant is without sufficient information or belief to know  
11 the truth or falsity of the allegations, and therefore denies the same.  
12  
13

### 14           **B. Venue**

15           2.2 Answering paragraph 2.2 of the Amended Complaint, Defendant admits  
16 venue is proper. Except as so admitted, Defendant is without sufficient information  
17 or belief to know the truth or falsity of the allegations, and therefore denies the same.  
18  
19

### 20           **C. Personal jurisdiction**

21           2.3 Answering paragraph 2.3 of the Amended Complaint, Defendant is  
22 without sufficient information to know the truth or falsity of the allegations, and  
23 therefore denies the same.  
24  
25  
26

1           2.3.1 Answering paragraph 2.3.1 of the Amended Complaint, Defendant  
2 admits Defendant Jay Inslee, is the Governor of Washington and Plaintiffs purport to  
3 bring this lawsuit against Governor Inslee in his official capacity and only for  
4 equitable relief, not for damages, with ancillary attorney fees if available. Except as  
5 so answered, Defendant denies the remaining allegations of Paragraph 2.3.1.  
6

7           2.3.2 Answering paragraph 2.3.2 of the Amended Complaint, Defendant  
8 admits Plaintiffs purport to file suit against the City “only to the extent it is not an  
9 “arm of the state” for purposes of 42 U.S.C. 1983.” Except as so answered,  
10 Defendant denies the remaining allegations of Paragraph 2.3.2.  
11

12           2.3.3 Answering paragraph 2.3.3 of the Amended Complaint, Defendant  
13 denies the same.  
14

15           2.3.4 Answering paragraph 2.3.4 of the Amended Complaint, Defendant  
16 is without sufficient information or belief to the know the truth or falsity of the  
17 allegations, and therefore denies the same.  
18

19           2.3.5 Answering paragraph 2.3.5 of the Amended Complaint, Defendant  
20 is without sufficient information or belief to the know the truth or falsity of the  
21 allegations, and therefore denies the same.  
22

1           2.3.6 Answering paragraph 2.3.6 of the Amended Complaint, Defendant  
2 is without sufficient information or belief to know the truth or falsity of the  
3 allegations, and therefore denies the same.  
4

5           2.4 Answering paragraph 2.4 of the Amended Complaint, Defendant respond  
6 that the paragraph states a legal conclusion to which no response is required. To the  
7 extent a response is required, Defendant admits that the Plaintiffs' complaint should  
8 not violate the Eleventh Amendment of the U.S. Constitution. Defendant denies any  
9 remaining allegations.  
10

11           2.5 Answering paragraph 2.5 of the Amended Complaint, Defendant is  
12 without sufficient information or belief to know the truth or falsity of the allegations,  
13 and therefore denies the same.<sup>1</sup>  
14

15           2.5.2 Answering paragraph 2.5.2 of the Amended Complaint,  
16 Defendant admits the same.  
17

18           2.5.3 Answering paragraph 2.5.3 of the Amended Complaint,  
19 Defendant admits the same.  
20

21           2.5.4 Answering paragraph 2.5.4 of the Amended Complaint,  
22 Defendant admits the same.  
23  
24  
25

26           <sup>1</sup> Paragraph 2.5.1 is missing from Plaintiffs' Amended Complaint.

1           2.5.5 Answering paragraph 2.5.5 of the Amended Complaint,  
2 Defendant is without sufficient information or belief to know the truth or falsity of  
3 the allegations, and therefore denies the same.  
4

5           2.5.6 Answering paragraph 2.5.6 of the Amended Complaint,  
6 Defendant is without sufficient information or belief to know the truth or falsity of  
7 the allegations, and therefore denies the same.  
8

9           2.5.7 Answering paragraph 2.5.7 of the Amended Complaint, Defendant  
10 is without sufficient information or belief to know the truth or falsity of the  
11 allegations, and therefore denies the same.  
12

13           2.5.8 Answering paragraph 2.5.8 of the Amended Complaint,  
14 Defendant is without sufficient information or belief to know the truth or falsity of  
15 the allegations, and therefore denies the same.  
16

17           2.5.9 Answering paragraph 2.5.9 of the Amended Complaint, Defendant  
18 is without sufficient information or belief to know the truth or falsity of the  
19 allegations, and therefore denies the same.  
20

21           2.5.10 Answering paragraph 2.5.10 of the Amended Complaint,  
22 Defendant is without sufficient information or belief to know the truth or falsity of  
23 the allegations, and therefore denies the same.  
24  
25  
26

1           2.5.11 Answering paragraph 2.5.11 of the Amended Complaint,  
2 Defendant is without sufficient information or belief to know the truth or falsity of  
3 the allegations, and therefore denies the same.  
4

5           2.5.12 Answering paragraph 2.5.12 of the Amended Complaint,  
6 Defendant is without sufficient information or belief to know the truth or falsity of  
7 the allegations, and therefore denies the same.  
8

9           2.5.13 Answering paragraph 2.5.13 of the Amended Complaint,  
10 Defendant is without sufficient information or belief to know the truth or falsity of  
11 the allegations, and therefore denies the same.  
12

13           2.5.14 Answering paragraph 2.5.14 of the Amended Complaint,  
14 Defendant is without sufficient information or belief to know the truth or falsity of  
15 the allegations, and therefore denies the same.  
16

17           2.5.15 Answering paragraph 2.5.15 of the Amended Complaint,  
18 Defendant is without sufficient information or belief to know the truth or falsity of  
19 the allegations, and therefore denies the same.  
20

21           2.5.16 Answering paragraph 2.5.16 of the Amended Complaint,  
22 Defendant is without sufficient information or belief to know the truth or falsity of  
23 the allegations, and therefore denies the same.  
24  
25  
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1           2.5.17 Answering paragraph 2.5.17 of the Amended Complaint,  
2 Defendant is without sufficient information or belief to know the truth or falsity of  
3 the allegations, and therefore denies the same.  
4

5           2.5.18 Answering paragraph 2.5.18 of the Amended Complaint,  
6 Defendant is without sufficient information or belief to know the truth or falsity of  
7 the allegations, and therefore denies the same.  
8

9           2.5.19 Answering paragraph 2.5.19 of the Amended Complaint,  
10 Defendant is without sufficient information or belief to know the truth or falsity of  
11 the allegations, and therefore denies the same.  
12

13           2.5.20 Answering paragraph 2.5.20 of the Amended Complaint,  
14 Defendant is without sufficient information or belief to know the truth or falsity of  
15 the allegations, and therefore denies the same.  
16

17           2.5.21 Answering paragraph 2.5.21 of the Amended Complaint,  
18 Defendant is without sufficient information or belief to know the truth or falsity of  
19 the allegations, and therefore denies the same.  
20

21           2.5.22 Answering paragraph 2.5.22 of the Amended Complaint,  
22 Defendant is without sufficient information or belief to know the truth or falsity of  
23 the allegations, and therefore denies the same.  
24  
25  
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1           3.7 Answering paragraph 3.7 of the Complaint, Defendant is without  
2 sufficient information or belief to know the truth or falsity of the allegations, and  
3 therefore denies the same.  
4

5           3.8 Answering paragraph 3.8 of the Complaint, Defendant is without  
6 sufficient information or belief to know the truth or falsity of the allegations, and  
7 therefore denies the same.  
8

9           3.9 Answering paragraph 3.9 of the Amended Complaint, Defendant is  
10 without sufficient information or belief to know the truth or falsity of the allegations,  
11 and therefore denies the same.  
12

13           3.10 Answering paragraph 3.10 of the Amended Complaint, Defendant is  
14 without sufficient information or belief to know the truth or falsity of the allegations,  
15 and therefore denies the same.  
16

17           3.11 Answering paragraph 3.11 of the Amended Complaint, Defendant is  
18 without sufficient information or belief to know the truth or falsity of the allegations,  
19 and therefore denies the same.  
20

21           3.12 Answering paragraph 3.12 of the Amended Complaint, Defendant is  
22 without sufficient information or belief to know the truth or falsity of the allegations,  
23 and therefore denies the same.  
24  
25  
26

1           3.13 Answering paragraph 3.13 of the Amended Complaint, Defendant is  
2 without sufficient information or belief to know the truth or falsity of the allegations,  
3 and therefore denies the same.  
4

5           3.14 Answering paragraph 3.14 of the Amended Complaint, Defendant is  
6 without sufficient information or belief to know the truth or falsity of the allegations  
7 and therefore denies the same.  
8

9           3.15 Answering paragraph 3.15 of the Amended Complaint, Defendant is  
10 without sufficient information or belief to know the truth or falsity of the allegations,  
11 and therefore denies the same.  
12

13           3.16 Answering paragraph 3.16 of the Amended Complaint, Defendant is  
14 without sufficient information or belief to know the truth or falsity of the allegations,  
15 and therefore denies the same.  
16

17           3.17 Answering paragraph 3.17 of the Amended Complaint, Defendant is  
18 without sufficient information or belief to know the truth or falsity of the allegations,  
19 and therefore denies the same.  
20

21           3.18 Answering paragraph 3.18 of the Amended Complaint, Defendant is  
22 without sufficient information or belief to know the truth or falsity of the allegations,  
23 and therefore denies the same.  
24  
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26

1           3.19 Answering paragraph 3.19 of the Amended Complaint, Defendant is  
2 without sufficient information or belief to know the truth or falsity of the allegations,  
3 and therefore denies the same.  
4

5           3.20 Answering paragraph 3.20 of the Amended Complaint, Defendant is  
6 without sufficient information or belief to know the truth or falsity of the allegations,  
7 and therefore denies the same.  
8

9           3.21 Answering paragraph 3.21 of the Amended Complaint, Defendant is  
10 without sufficient information to know the truth or falsity of the allegations, and  
11 therefore denies the same.  
12

13           3.22 Answering paragraph 3.22 of the Amended Complaint, Defendant is  
14 without sufficient information to know the truth or falsity of the allegations, and  
15 therefore denies the same.  
16

17           3.23 Answering paragraph 3.23 of the Amended Complaint, Defendant avers  
18 the September 23, 2021 letter speaks for itself.  
19

20           3.24 Answering paragraph 3.24 of the Amended Complaint, Defendant avers  
21 the September 23, 2021 letter speaks for itself.  
22

23           3.25 Answering paragraph 3.25 of the Amended Complaint, Defendant avers  
24 the September 23, 2021 letter speaks for itself.  
25  
26

1           3.26 Answering paragraph 3.26 of the Amended Complaint, Defendant avers  
2 the September 23, 2021 letter speaks for itself.

3           3.27 Answering paragraph 3.27 of the Complaint, Defendant admits they  
4 offered several accommodations to include, job reassignment, essential function  
5 layoff, paid leave, leave of absence without pay, resignation, retirement and a non-  
6 disciplinary separation. Except as so answered, Defendant denies the same.  
7

8           3.28 Answering paragraph 3.28 of the Amended Complaint, Defendant is  
9 without sufficient information or belief to know the truth or falsity of the allegations,  
10 and therefore denies the same.  
11

12           3.29 Answering paragraph 3.29 of the Amended Complaint, Defendant is  
13 without sufficient information or belief to know the truth or falsity of the allegations,  
14 and therefore denies the same.  
15

16           3.30 Answering paragraph 3.29 of the Amended Complaint, Defendant is  
17 without sufficient information or belief to know the truth or falsity of the allegations,  
18 and therefore denies the same.  
19

20           3.31 Answering paragraph 3.30 of the Amended Complaint, Defendant is  
21 without sufficient information to know the truth or falsity of the allegations, and  
22 therefore denies the same.  
23  
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1           3.32 Answering paragraph 3.31 of the Amended Complaint, Defendant is  
2 without sufficient information to know the truth or falsity of the allegations, and  
3 therefore denies the same.  
4

5           3.33 Answering paragraph 3.32 of the Amended Complaint, Defendant is  
6 without sufficient information to know the truth or falsity of the allegations, and  
7 therefore denies the same.  
8

9           3.34 Answering paragraph 3.34 of the Amended Complaint, Defendant is  
10 without sufficient information to know the truth or falsity of the allegations, and  
11 therefore denies the same.  
12

13           3.35 Answering paragraph 3.35 of the Amended Complaint, Defendant is  
14 without sufficient information to know the truth or falsity of the allegations, and  
15 therefore denies the same.  
16

17           3.36 Answering paragraph 3.36 of the Amended Complaint, Defendant is  
18 without sufficient information to know the truth or falsity of the allegations, and  
19 therefore denies the same.  
20

21           3.37 Answering paragraph 3.37 of the Amended Complaint, Defendant is  
22 without sufficient information to know the truth or falsity of the allegations, and  
23 therefore denies the same.  
24  
25  
26

1           3.38 Answering paragraph 3.38 of the Amended Complaint, Defendant is  
2 without sufficient information to know the truth or falsity of the allegations, and  
3 therefore denies the same.  
4

5           3.39 Answering paragraph 3.39 of the Amended Complaint, Defendant is  
6 without sufficient information to know the truth or falsity of the allegations, and  
7 therefore denies the same.  
8

9           3.40 Answering paragraph 3.40 of the Amended Complaint, Defendant is  
10 without sufficient information to know the truth or falsity of the allegations, and  
11 therefore denies the same.  
12

13           3.41 Answering paragraph 3.41 of the Amended Complaint, Defendant is  
14 without sufficient information to know the truth or falsity of the allegations, and  
15 therefore denies the same.  
16

17           3.42 Answering paragraph 3.42 of the Amended Complaint, Defendant is  
18 without sufficient information or belief to know the truth or falsity of the allegations,  
19 and therefore denies the same.  
20

21           3.43 Answering paragraph 3.43 of the Amended Complaint, Defendant is  
22 without sufficient information or belief to know the truth or falsity of the allegations,  
23 and therefore denies the same.  
24  
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1           3.44 Answering paragraph 3.44 of the Amended Complaint, Defendant is  
2 without sufficient information or belief to know the truth or falsity of the allegations,  
3 and therefore denies the same.  
4

5           3.45 Answering paragraph 3.45 of the Amended Complaint, Defendant is  
6 without sufficient information or belief to know the truth or falsity of the allegations,  
7 and therefore denies the same.  
8

9           3.46 Answering paragraph 3.46 of the Amended Complaint, Defendant is  
10 without sufficient information to know the truth or falsity of the allegations, and  
11 therefore denies the same.  
12

13           3.47 Answering paragraph 3.47 of the Amended Complaint, Defendant is  
14 without sufficient information or belief to know the truth or falsity of the allegations,  
15 and therefore denies the same.  
16

17           3.48 Answering paragraph 3.48 of the Amended Complaint, Defendant is  
18 without sufficient information or belief to know the truth or falsity of the allegations,  
19 and therefore denies the same.  
20

21           3.49 Answering paragraph 3.49 of the Amended Complaint, Defendant is  
22 without sufficient information to know the truth or falsity of the allegations, and  
23 therefore denies the same.  
24  
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1           3.50 Answering paragraph 3.50 of the Amended Complaint, Defendant is  
2 without sufficient information to know the truth or falsity of the allegations, and  
3 therefore denies the same.  
4

5                           **IV. FIRST CAUSE OF ACTION**

6                   **Injunctive Relief Against Governor Inslee; Damages Where Proved**  
7                   **Against Non-State Defendants**

8                           **Violation of 42 U.S.C. 1983**

9           4.1 Answering paragraph 4.1 of the Amended Complaint, Defendant reallege  
10 and incorporate herein by reference all previous responses and denials to the  
11 allegations of the Amended Complaint.  
12

13           4.2 Answering paragraph 4.2 of the Amended Complaint, Defendant avers  
14 that the allegation state a legal conclusion to which no response is required. By way  
15 of further answer, Defendant denies the allegations.  
16

17           4.3 Answering paragraph 4.3 of the Amended Complaint, Defendant denies  
18 the same.  
19

20           4.4 Answering paragraph 4.4 of the Amended Complaint, Defendant denies  
21 the same.  
22

23                           **V. SECOND CAUSE OF ACTION**

24                   **Governor's Proclamation Is Ultra Vires and Void, Without Legal**  
25                   **Effect; Injunctive Relief Sought**

26           **A. Wrongful Delegation of Legislative Powers and Improper Execution of**  
              **Emergency Powers**

1           5.1 Answering paragraph 5.1 of the Amended Complaint, Defendant reallege  
2 and incorporate herein by reference its responses and denials to the allegations of the  
3 Amended Complaint.  
4

5           5.2 Answering paragraph 5.2 of the Amended Complaint, Defendant respond  
6 that this cause of action is not directed at Defendant and therefore no response is  
7 required. To the extent a response is required, Defendant avers the Constitution  
8 speaks for itself.  
9

10           5.3 Answering paragraph 5.3 of the Amended Complaint, Defendant respond  
11 that this cause of action is not directed at Defendant and therefore no response is  
12 required. Defendant further respond that this allegation states a legal conclusion to  
13 which no response is required. To the extent a response is required, Defendant denies  
14 the same.  
15  
16

17           5.4 Answering paragraph 5.4 of the Amended Complaint, Defendant respond  
18 that this cause of action is not directed at Defendant and therefore no response is  
19 required. Defendant further respond that this allegation states a legal conclusion to  
20 which no response is required. Except as so answered, Defendant denies the  
21 allegations of paragraph 5.4.  
22  
23

24           5.5 Answering paragraph 5.5 of the Amended Complaint, Defendant respond  
25 that this cause of action is not directed at Defendant and therefore no response is  
26

1 required. Defendant further respond that this allegation states a legal conclusion to  
2 which no response is required. Except as so answered, Defendant denies the  
3 allegations of paragraph 5.5.  
4

5 5.6 Answering paragraph 5.6 of the Amended Complaint, Defendant respond  
6 that this cause of action is not directed at Defendant and therefore no response is  
7 required. Defendant further respond that this allegation states a legal conclusion to  
8 which no response is required. Except as so answered, Defendant denies the  
9 allegations of paragraph 5.6.  
10

11 5.7 Answering paragraph 5.7 of the Amended Complaint, Defendant respond  
12 that this cause of action is not directed at Defendant and therefore no response is  
13 required. Defendant further respond that this allegation states a legal conclusion to  
14 which no response is required. Except as so answered, Defendant denies the  
15 allegations of paragraph 5.7.  
16

17 5.8 Answering paragraph 5.8 of the Amended Complaint, Defendant respond  
18 that this cause of action is not directed at Defendant and therefore no response is  
19 required. Defendant further respond that this allegation states a legal conclusion to  
20 which no response is required. Except as so answered, Defendant denies the  
21 allegations of paragraph 5.8.  
22  
23  
24  
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26

5.10 Answering paragraph 5.10 of the Amended Complaint, Defendant respond that this cause of action is not directed at Defendant and therefore no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 5.10.

5.11 Answering paragraph 5.11 of the Amended Complaint, Defendant avers that the allegations state legal conclusions to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 5.11.

5.12 Answering paragraph 5.12 of the Amended Complaint, Defendant avers that the allegations state legal conclusions to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 5.12.

**Deprivation of Religious Freedom, U.S. CONST., Amend. I, WASH. CONST.  
Art. I, Sec. 11 and the Equal Protection Clause of the 14th Amendment  
to the Federal Constitution  
(Declaratory and Injunctive Relief)**

6.1 Answering paragraph 6.1, Defendant reallege and incorporate by reference herein its responses and denials to each of the allegations.

1           6.2 Answering paragraph 6.2, Defendant avers the allegations state legal  
2 conclusions to which no response is required. Except as so answered, Defendant  
3 denies the allegations of paragraph 6.2  
4

5           6.3 Answering paragraph 6.3, Defendant avers the allegations include legal  
6 conclusions to which no response is required. By way of further answer, Defendant  
7 denies the allegations of paragraph 6.3.  
8

9           6.4 Answering paragraph 6.4, Defendant avers the allegations include legal  
10 conclusions to which no response is required. By way of further answer, Defendant  
11 denies the allegations of paragraph 6.4  
12

13           6.5 Answering paragraph 6.5 of the Amended Complaint, Defendant avers the  
14 allegations include legal conclusions to which no response is required. To the extent  
15 a response is required, Defendant denies the same.  
16

17           6.6 Answering paragraph 6.6 of the Amended Complaint, Defendant avers the  
18 allegations include legal conclusions to which no response is required. To the extent  
19 a response is required, Defendant denies the same.  
20

21           6.7 Answering paragraph 6.7 of the Amended Complaint, Defendant denies  
22 the same.  
23

24           6.8 Answering paragraph 6.8 of the Amended Complaint, Defendant denies  
25 the same.  
26

*Jacobson Ostensibly Forbids Enforcement*

6.9 Answering paragraph 6.9 of the Amended Complaint, Defendant admits “preservation of public health is one of the most compelling state interests that exist.” Except as so answered, Defendant denies the remaining allegations of paragraph 6.9

6.10 Answering paragraph 6.10 of the Amended Complaint, Defendant avers that the allegations state legal conclusions to which no response is required. By way of further answer, Defendant denies the allegations of paragraph 6.10.

6.11 Answering paragraph 6.11 of the Amended Complaint, Defendant avers that the allegations state legal conclusions to which no response is required. By way of further answer, Defendant denies the allegations of paragraph 6.11.

6.12 Answering paragraph 6.12 of the Amended Complaint, Defendant avers that the allegations state legal conclusions to which no response is required. By way of further answer, Defendant denies the allegations of paragraph 6.12.

6.13 Answering paragraph 6.13, Defendant denies the same.

**VII. FOURTH CAUSE OF ACTION**

**Procedural Due Process**

7.1 Answering paragraph 7.1, Defendant avers that the allegations state legal conclusions to which no response is required. By way of further answer, Defendant denies the allegations.

1           7.2 Answering paragraph 7.2, Defendant avers that the allegations state legal  
2 conclusions to which no response is required. By way of further answer, Defendant  
3 denies the allegations.  
4

5           7.3 Answering paragraph 7.3 of the Amended Complaint, Defendant denies  
6 the same.  
7

8           7.4 Answering paragraph 7.4 of the Amended Complaint, Defendant denies  
9 the same.  
10

## 11                           **VIII. FIFTH CAUSE OF ACTION**

### 12                                   **Substantive Due Process**

13           8.1 Answering paragraph 8.1 of the Amended Complaint, Defendant avers  
14 that the allegations state legal conclusions to which no response is required. By way  
15 of further answer, Defendant denies the same.  
16

17           8.2 Answering paragraph 8.2 of the Amended Complaint, Defendant avers  
18 that the allegations state legal conclusions to which no response is required. By way  
19 of further answer, Defendant denies the same.  
20

21           8.3 Answering paragraph 8.4 of the Amended Complaint, Defendant avers  
22 that the allegations state legal conclusions to which no response is required. By way  
23 of further answer, Defendant denies the same.  
24

25           8.4 Answering paragraph 8.4 of the Amended Complaint, Defendant denies  
26 the same.

1           8.5    Answering paragraph 8.5 of the Amended Complaint, Defendant denies  
2 the same.

3           8.6    Answering paragraph 8.6 of the Amended Complaint, Defendant denies  
4 the same.  
5

6                                   **IX.    SIXTH CAUSE OF ACTION**

7                                   **Taking and Violations of the Contracts Clause**

8                                   *Taking Property Without Just Compensation*  
9

10  
11           9.1    Answering paragraph 9.1 of the Amended Complaint, Defendant avers  
12 that the allegations state legal conclusions to which no response is required. By way  
13 of further answer, Defendant denies the same.  
14

15           9.2    Answering paragraph 9.2 of the Amended Complaint, Defendant avers  
16 that the allegations state legal conclusions to which no response is required. By way  
17 of further answer, Defendant denies the same.  
18

19           9.3    Answering paragraph 9.3 of the Amended Complaint, Defendant avers  
20 that the allegations state legal conclusions to which no response is required. By way  
21 of further answer, Defendant denies the same.  
22

23           9.4    Answering paragraph 9.4 of the Amended Complaint, Defendant denies  
24 the same.  
25  
26



1           9.5 Answering paragraph 9.5 of the Amended Complaint, Defendant denies  
2 the same.

3           *Threats to Terminate State Employees Without Unemployment Benefits Constitute*  
4           *a Violation of the Equal Protection, Due Process, and Contracts Clauses*

5           9.6 Answering paragraph 9.6 of the Amended Complaint, Defendant avers  
6 that this paragraph is not directed to Defendant and therefore no response is required.  
7 Defendant further respond that the allegations state legal conclusions to which no  
8 response is required. Except as otherwise answered, Defendant denies the allegations  
9 of paragraph 9.6.  
10

11           9.7 Answering paragraph 9.7 of the Amended Complaint, Defendant avers  
12 that the allegations state legal conclusions to which no response is required.  
13 Defendant further respond that the allegations state legal conclusions to which no  
14 response is required. Except as otherwise answered, Defendant denies the allegations  
15 of paragraph 9.7.  
16

17           9.8 Answering paragraph 9.8 of the Amended Complaint, Defendant avers  
18 that the allegations state legal conclusions to which no response is required.  
19 Defendant further respond that the allegations state legal conclusions to which no  
20 response is required. Except as otherwise answered, Defendant denies the allegations  
21 of paragraph 9.8.  
22



1           10.3 Answering paragraph 10.3 of the Amended Complaint, Defendant avers  
2 that the allegations state legal conclusions to which no response is required. By way  
3 of further answer, Defendant denies the same.  
4

5           10.4 Answering paragraph 10.4 of the Amended Complaint, Defendant avers  
6 that the allegations state legal conclusions to which no response is required. By way  
7 of further answer, Defendant denies the same.  
8

9           10.5 Answering paragraph 10.5 of the Amended Complaint, Defendant avers  
10 that the allegations state legal conclusions to which no response is required. By way  
11 of further answer, Defendant denies the same.  
12

13           10.6 Answering paragraph 10.6 of the Amended Complaint, Defendant avers  
14 that the allegations state legal conclusions to which no response is required. By way  
15 of further answer, Defendant denies the same.  
16

17           10.7 Answering paragraph 10.7 of the Amended Complaint, Defendant avers  
18 that the allegations state legal conclusions to which no response is required. By way  
19 of further answer, Defendant denies the same.  
20

21           10.8 Answering paragraph 10.8 of the Amended Complaint, Defendant avers  
22 that the allegations state legal conclusions to which no response is required. By way  
23 of further answer, Defendant denies the same.  
24  
25  
26

1           10.9 Answering paragraph 10.9 of the Amended Complaint, Defendant avers  
2 that the allegations state legal conclusions to which no response is required. By way  
3 of further answer, Defendant denies the same.  
4

5           10.10 Answering paragraph 10.10 of the Amended Complaint, Defendant  
6 avers that the allegations state legal conclusions to which no response is required. By  
7 way of further answer, Defendant denies the same.  
8

9           10.11 Answering paragraph 10.11 of the Amended Complaint, Defendant  
10 avers that the allegations state legal conclusions to which no response is required. By  
11 way of further answer, Defendant denies the same.  
12

13           10.12 Answering paragraph 10.12 of the Amended Complaint, Defendant  
14 avers that the allegations state legal conclusions to which no response is required. By  
15 way of further answer, Defendant denies the same.  
16

17           10.13 Answering paragraph 10.13 of the Amended Complaint, Defendant  
18 avers that the allegations state legal conclusions to which no response is required. By  
19 way of further answer, Defendant denies the same.  
20

21           10.14 Answering paragraph 10.14 of the Amended Complaint, Defendant  
22 avers that the allegations state legal conclusions to which no response is required. By  
23 way of further answer, Defendant denies the same.  
24  
25  
26

1           10.15 Answering paragraph 10.15 of the Amended Complaint, Defendant  
2           avers that the allegations state legal conclusions to which no response is required. By  
3           way of further answer, Defendant denies the same.  
4

5           10.16 Answering paragraph 10.16, Defendant denies the same.  
6  
7

## 8                           **XI. EIGHTH CAUSE OF ACTION**

### 9                   **Violation of the Washington Law Against Discrimination (WLAD)**

10           11.1 Answering paragraph 11.1 of the Amended Complaint, Defendant  
11           reallege and incorporate by reference herein its responses and denials to the  
12           allegations.  
13

14           11.2 Answering paragraph 11.2 of the Amended Complaint, Defendant avers  
15           that the allegations state legal conclusions to which no response is required. By way  
16           of further answer, Defendant denies the same.  
17

18           11.3 Answering paragraph 11.3 of the Amended Complaint, Defendant avers  
19           that the allegations state legal conclusions to which no response is required. By way  
20           of further answer, Defendant denies the same.  
21

22           11.4 Answering paragraph 11.4 of the Amended Complaint, Defendant avers  
23           that the allegations state legal conclusions to which no response is required. By way  
24           of further answer, Defendant denies the same.  
25  
26

1 11.5 Answering paragraph 11.5 of the Amended Complaint, Defendant avers  
2 that the allegations state legal conclusions to which no response is required. By way  
3 of further answer, Defendant denies the same.  
4

5 11.6 Answering paragraph 11.6 of the Amended Complaint, Defendant avers  
6 that the allegations state legal conclusions to which no response is required. By way  
7 of further answer, Defendant denies the same.  
8

9 11.7 Answering paragraph 11.7 of the Amended Complaint, Defendant avers  
10 that the allegations state legal conclusions to which no response is required. By way  
11 of further answer, Defendant denies the same.  
12

13 11.8 Answering paragraph 11.8 of the Amended Complaint, Defendant denies  
14 the same.  
15

## 16 XII. NINTH CAUSE OF ACTION

### 17 Cruel Punishment

18 12.1 Answering paragraph 12.1 of the Amended Complaint, Defendant  
19 reallege and incorporate herein by reference its answers and denials to the allegations.  
20

21 12.2 Answering paragraph 12.2 of the Amended Complaint, Defendant avers  
22 that this paragraph does not apply to Defendant and therefore no response is required.  
23 Defendant further avers that the allegations state legal conclusions to which no  
24 response is required. By way of further answer, Defendant denies the same.  
25  
26

1           12.3 Answering paragraph 12.3 of the Amended Complaint, Defendant avers  
2 that this paragraph does not apply to Defendant and therefore no response is required.  
3 Defendant further avers that the allegations state legal conclusions to which no  
4 response is required. By way of further answer, Defendant denies the same.  
5

6           12.4 Answering paragraph 12.4 of the Amended Complaint, Defendant avers  
7 that this paragraph does not apply to Defendant and therefore no response is required.  
8 Defendant further avers that the allegations state legal conclusions to which no  
9 response is required. By way of further answer, Defendant denies the same.  
10

11           12.5 Answering paragraph 12.5 of the Amended Complaint, Defendant avers  
12 that this paragraph does not apply to Defendant and therefore no response is required.  
13 Defendant further avers that the allegations state legal conclusions to which no  
14 response is required. By way of further answer, Defendant denies the same.  
15

16           12.6 Answering paragraph 12.6 of the Amended Complaint, Defendant avers  
17 that this paragraph does not apply to Defendant and therefore no response is required.  
18 Defendant further avers that the allegations state legal conclusions to which no  
19 response is required. By way of further answer, Defendant denies the same.  
20  
21  
22  
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**XIII. TENTH CAUSE OF ACTION**

**Negligent Infliction of Emotional Distress**

13.1 Answering paragraph 13.1 of the Amended Complaint, Defendant avers that the allegations state legal conclusions to which no response is required. By way of further answer, Defendant denies the same.

13.2 Answering paragraph 13.2 of the Amended Complaint, Defendant avers that the allegations state legal conclusions to which no response is required. By way of further answer, Defendant denies the same.

13.3 Answering paragraph 13.3 of the Amended Complaint, Defendant avers that the allegations state legal conclusions to which no response is required. By way of further answer, Defendant denies the same.

13.4 Answering paragraph 13.4 of the Amended Complaint, Defendant denies the same.

**XIV. ELEVENTH CAUSE OF ACTION**

**Battery**

14.1 Answering paragraph 14.1 of the Amended Complaint, Defendant reallege and incorporate by reference its responses and denials to the allegations.

14.2 Answering paragraph 14.2 of the Amended Complaint, Defendant avers that the allegations state legal conclusions to which no response is required. By way of further answer, Defendant denies the same.



1           14.3 Answering paragraph 14.3 of the Amended Complaint, Defendant avers  
2 that the allegations state legal conclusions to which no response is required. By way  
3 of further answer, Defendant denies the same.  
4

5           14.4 Answering paragraph 14.4 of the Amended Complaint, Defendant avers  
6 that the allegations state legal conclusions to which no response is required. By way  
7 of further answer, Defendant denies the same.  
8

9           14.5 Answering paragraph 14.5 of the Amended Complaint, Defendant avers  
10 that the allegations state legal conclusions to which no response is required. By way  
11 of further answer, Defendant denies the same.  
12

13           14.6 Answering paragraph 14.6 of the Amended Complaint, Defendant avers  
14 that the allegations state legal conclusions to which no response is required. By way  
15 of further answer, Defendant denies the same.  
16

17           14.7 Answering paragraph 14.7 of the Amended Complaint, Defendant avers  
18 that the allegations state legal conclusions to which no response is required. By way  
19 of further answer, Defendant denies the same.  
20

21           14.8 Answering paragraph 14.8 of the Amended Complaint, Defendant avers  
22 that the allegations state legal conclusions to which no response is required. By way  
23 of further answer, Defendant denies the same.  
24  
25  
26

1           14.9 Answering paragraph 14.9 of the Amended Complaint, Defendant avers  
2 that the allegations state legal conclusions to which no response is required. By way  
3 of further answer, Defendant denies the same.  
4

5           14.10 Answering paragraph 14.10 of the Amended Complaint, Defendant  
6 avers that the allegations state legal conclusions to which no response is required. By  
7 way of further answer, Defendant denies the same.  
8

9           14.11 Answering paragraph 14.11 of the Amended Complaint, Defendant  
10 avers that the allegations state legal conclusions to which no response is required. By  
11 way of further answer, Defendant denies the same.  
12

13           14.12 Answering paragraph 14.12 of the Amended Complaint, Defendant  
14 avers that the allegations state legal conclusions to which no response is required. By  
15 way of further answer, Defendant denies the same.  
16

17           14.13 Answering paragraph 14.13 of the Amended Complaint, Defendant  
18 avers that the allegations state legal conclusions to which no response is required. By  
19 way of further answer, Defendant denies the same.  
20

21           14.14 Answering paragraph 14.14 of the Amended Complaint, Defendant  
22 avers that the allegations state legal conclusions to which no response is required. By  
23 way of further answer, Defendant denies the same.  
24  
25  
26

1           14.15 Answering paragraph 14.5 of the Amended Complaint, Defendant denies  
2 the same.

3           14.16 Answering paragraph 14.16 of the Amended Complaint, Defendant  
4 denies the same.

5           14.17 Answering paragraph 14.17 of the Amended Complaint, Defendant is  
6 without sufficient information or belief regarding the vaccination status of all  
7 plaintiffs and therefore denies the same. Except as so answered, Defendant denies the  
8 remaining allegations of paragraph 14.17.

9           14.18 Answering paragraph 14.18 of the Amended Complaint, Defendant  
10 denies the same.

11           14.19 Answering paragraph 14.19 of the Amended Complaint, Defendant  
12 denies the same.

13           14.20 Answering paragraph 14.20 of the Amended Complaint, Defendant  
14 denies the same.

15           14.21 Answering paragraph 14.21 of the Amended Complaint, Defendant  
16 denies the same.

17           14.22 Answering paragraph 14.22 of the Amended Complaint, Defendant  
18 denies the same.

1           14.23 Answering paragraph 14.23 of the Amended Complaint, Defendant  
2 denies the same.

3           14.24 Answering paragraph 14.24 of the Amended Complaint, Defendant  
4 denies the same.  
5

6                           **XV. PLAINTIFFS' PRAYER FOR RELIEF**

7           Defendant denies the allegations set forth in Plaintiffs' Prayer for Relief,  
8 including paragraphs 15.1 to 15.8.  
9

10                           **XVI. AFFIRMATIVE DEFENSES**

11           By way of further answer and as affirmative defenses, without admitting any  
12 matters previously denied, Defendant assert as follows:  
13

- 14           1.     Plaintiffs fail to state a claim upon which relief may be granted.  
15           2.     Plaintiffs failed to comply with the Notice of Tort Claim statute.  
16           3.     Plaintiffs failed to exhaust their administrative remedies.  
17           4.     Plaintiffs failed to mitigate their damages.  
18           5.     Plaintiffs' damages, if any, were caused by their own conduct and  
19 decisions.  
20           6.     Defendant is entitled to qualified immunity.  
21           7.     Plaintiffs lack standing.  
22           8.     Plaintiffs' claims are moot.  
23  
24  
25  
26

1           9.     Plaintiffs' claims are unripe.

2           10.    Plaintiffs' claims are barred by res judicata.

3           11.    Plaintiffs' claims are barred by collateral estoppel.

4  
5           12.    Plaintiffs' claims are barred in whole or in part by the doctrines of  
6 laches, waiver, unclean hands, accord and satisfaction, and/or ratification.

7  
8           13.    Plaintiffs' claims against the Defendant should be dismissed due to the  
9 improper joinder of Defendant employers in this suit.

10           Defendant reserves the right to assert additional affirmative defenses,  
11 counterclaims, and third-party claims as discovery progresses.  
12

13  
14  
15                   **XVII. PRAYER FOR RELIEF**

16           Wherefore, Defendant prays as follows:

17           A.     For dismissal of Plaintiffs' claims, with prejudice;

18           B.     For Rule 11 sanctions and recovery of attorneys' fees and costs to the  
19 extent allowed under applicable law; and,  
20

21           C.     For such other and further relief as the Court may deem just and  
22 equitable.  
23  
24  
25  
26

1 DATED this 31<sup>st</sup> day of January, 2022.

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4 By s/ David H. Smith

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 31<sup>st</sup> day of January, 2022.

*s/ Denise Brandenstein*

Denise Brandenstein